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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/108,463	07/01/98	MULLENS	L GEO4142

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MAURICE J JONES
MOTOROLA INC
INTELLECTUAL PROPERTY DEPT SUITE R3108
P O BOX 10219
SCOTTSDALE AZ 85271-0219

EXAMINER

NGUYEN, T

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 06/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/108,463

Applicant(s)
MULLENS et al

Examiner
Toan Nguyen

Art Unit
2663



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jul 1, 1998

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-20 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-20 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other: _____

Application/Control Number: 09/108,463

Art Unit: 2663

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-9 are rejected under U.S.C. 102(e) as being anticipated by Norman et al (U.S. Patent 6,049,533).

For claim 1, Norman et al disclose network communication system with information rerouting capabilities comprising the steps of:

inserting in the first field a first virtual identity of an access point which communicates with a virtual end node (see figure 9, col. 12 lines 47-59, and col.17 lines 29-47);

inserting in the second field a second virtual identity of an access point which communicates with a virtual end node (see figure 9, col. 12 lines 47-59, and col.17 lines 29-47);

inserting in the user data an address of a physical end node corresponding to a virtual end node virtual end node (see figure 9, col. 12 lines 47-59, and col.17 lines 29-47);

transmitting said data packet through said RF network to the access point (col. 18 lines 3-5);

broadcasting the data packet by the access point (col. 17 lines 34-36); and
determining by the physical end node whether the data packet is directed to the physical
end node (col. 18 lines 5-11).

For claims 2-9, Norman et al disclose determining whether a contents of the first field, the
second field, the data packet is for the virtual end node (see figure 9, col.17 lines 29-47, and col.
18 lines 5-11), the step of inserting is performed by the host system (col. 13 lines 11-50), by an
end node (see figure 9, col.17 lines 29-47), and by an access point (see figure 10, col. 18 line 51
to col. 19 line 47).

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which form the basis for all obviousness
rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that
the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the
invention was made.

This application currently names joint inventors. In considering patentability of the claims
under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was
commonly owned at the time any inventions covered therein were made absent any evidence to
the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor
and invention dates of each claim that was not commonly owned at the time a later invention was
made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential

35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman et al (U.S. Patent 6,049,533) in view of Huang et al (U.S. Patent 6,041,358).

For claims 10 and 20, Norman et al disclose network communication system with information rerouting capabilities comprising the steps of:

indicating within the routing information that the physical end node with the virtual address is to receive the user data and inserting an identity of the physical end node with the virtual address within the user data (see figure 17, col. 12 lines 57-59, and col. 26 lines 6-29);

transmitting the routing information along with the user data through the RF network (col. 18 lines 3-5);

determining by the physical end node with the virtual address whether the physical end node is to received the user data (col. 18 lines 5-11).

Norman et al do not disclose adding a physical end node with a virtual address. Huang et al from the same or similar field of endeavor teach adding a physical end node with a virtual address (25-28). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the combined method for maintaining virtual local area networks with mobile terminals in an ATM network as taught by Huang et al in network communication system with information rerouting capabilities of Norman et al. The motivation for using the combined method for maintaining virtual local area networks with mobile terminals in an ATM network as taught by Huang et al in network communication system with information rerouting capabilities of Norman et al being that a copy of frame is transmitted to each BS which provides packet communication to at least on foreign MT also on the VLAN as indicated in the frame (col. 12 lines 36-39).

For claims 11-19, the claims are rejected as discussed in claims 2-9. Therefore they are rejected in same rational.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,049,533 to Norman et al, discloses Network Communication System With Information Rerouting Capabilities.

U.S. Patent 6,041,358 to Huang et al, discloses Method For Maintaining Virtual Local Area Networks With Mobile Terminals In An ATM Network.

U.S. Patent 4,894,822 to Buhrke et al, discloses Fast Packetized Data Delivery For Digital Networks.

U.S. Patent 6,002,667 to Manning et al, discloses Minimum Guaranteed Cell Rate Method and Apparatus .

U.S. Patent 6,205,147B1 to Mayo et al, discloses Virtual Network Architecture.

Contact Information

6. Any response to this action should be mailed to:
Assistant Commissioner for Patents
Washington, D.C. 20231

or faxed to:

(703) 308-9051 or (703) 308-9052 (for formal communications intended for entry)
(703) 306-5406 (for informal or draft communications, please label "PROPOSED" or

"DRAFT")

7. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).
8. Any inquiry concerning this communication or early communications should be directed to Toan Nguyen whose telephone number is (703) 305-0140. He can be reached Monday through Friday from 7:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached at (703) 308-5340. The fax phone number for this Group is (703)-872-9314.

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone number is (703) 305-9600.

TN
T.N.



DANG TON
PRIMARY EXAMINER